

**FILED**  
 U.S. DISTRICT COURT  
 EASTERN DISTRICT OF TEXAS

1

"Equal value for every Life  
 is the pursuit of the Law."

SEP 22 2021

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 Bruce Green,  
 9453 Lawhon Road  
 Beaumont, TX 77713  
 (409) 926-8168  
 Complainant

v.

TRI-CON, Inc.  
 D/b/a Exxpress Mart Personnel  
 7076 West Port Arthur Road  
 P.O. Box 20555  
 Beaumont, Texas 77720  
 (409) 835-2237  
 Agency  
 -----

BY  
 DEPUTY \_\_\_\_\_

**Filing a Civil Suit**  
**EEOC Charge #460-2021-00917**

## INTRODUCTION

**I am submitting this request to file a Civil Suit per the EEOC issued Right to Suit letter dated June 25, 2021, regarding the Amended EEOC case charge #460-2021-00917. (Exhibit 16)**

I sent the complaint to the EEOC and the requested comparator information of the Constructive Discharge /Hostile Work Environment event(s) as requested and was waiting to be notified of the formal investigative interview of all my claims/events of discrimination. In stating my claims/events I only tried to state in a succinct manner how I personally suffered an employment harm as it relates to a term, condition, or privilege of my employment and to show the specific harassing behavior I was subjected to as an employee of TRI-CON, Inc. (TCI). I did not provide extensive background information and documents of events because I was waiting to provide this information during the investigation or upon request.

**(I) Regarding the Disparate Treatment claim of Constructive Discharge**, I was asked for a comparator information, employee(s) that was similar situated (i.e., someone who shares the same supervisor or is under the jurisdiction of the same supervisor, subject to the same employment policies or rules, performs similar job task and responsibilities, similar job performance evaluations and disciplinary policies), who was treated more leniently than I was under the same or similar circumstances.

The claim is: **Whether I was subjected to discrimination on the bases of race (Black), age (over 40 y.o.), and reprisal (opposition to a discriminatory practice0, when on January 28, 2020, due to my refusal to drive an illegal loaded dangerous**

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**flammable fuel in transport tractor trailer that would put me in violation of DOT law of being over axle allowable weight and Imad Sarkiss, TCI owner, and Art Cawthon, Terminal Manager, complaining and threatening me created intolerable work conditions that led to my removal (constructive discharge) from my position as Truck Driver.**

Comparator information:

a. **Illegal weight of load:** TCI has engaged in presenting fraudulent and false information regarding the TCI decision to terminate my employment was not due to insubordination of refusing to perform my duty as a certified safe and Incensed Transport Driver by the Department of Transportation (DOT). I was placed under duress when directed to drive/haul a Load that had been fraudulently weighed, as evident on the Bill of Lading dated February 3, 2020. **(Exhibits 1, 2)** The Ticket fraudulently showed the total weight of the load of volatile and explosive fuel as being less than 80,000 lbs. at 78,620 lbs. (i.e., **FUEL** [1100 gallons (gal) diesel @ 6.943 lbs/gal = 7637.3 lbs., 1000 gal V-Power Super gasoline @ 6.071 lbs/gal = 6071 lbs., 6200 gal Regular gasoline @ 6.071 lbs/gal = 37,640.2 lbs.] = 51,348.5; Truck wt. = 28,560 lbs, Total wt. = 51,348.5 + 28,560 = 79,908.5 lbs). This figure is a fraudulent calculation that the TCI Owner, Imad, and Terminal Manager, Art Cawthon, had created for the weighing of the fuels that was in direct Violation of DOT fuel weight measurements. **(Exhibits 3, 4)** DOT regulation fuel weights state: diesel wt. = 7.1 lbs./gal; V-Power Super gas wt. = 6.073 lbs/gal; Regular gasoline wt. = 6.073 lbs/gal. These DOT fuel weights show the actual fuel weight of the load would equal 51,535.6 lbs" and added with the truck wt. 28,560 lbs. = 80,095.6 lbs. This is a violation of DOT weight regulation of 80,000 lbs. and violation of being over axle Weight **(Exhibits 5, 6)**.

b. **Similar situated event:** I was removed from my position because I refused to haul an illegally weight loaded transport tractor trailer truck with dangerous flammable fuel. Imad Sarkiss (ImS), TCI owner, (Appears Middle East-Iranian, under 50 years old (y.o.), Unknown Prior EEO activity (UPE)) and Art Cawthon (AC), Terminal Manager, (Caucasian, over 65 y.o., UPE), did not threaten and terminate another truck driver (Donald Sealy (Caucasian, under 55 y.o., UPE)) when on February 26, 2018, Donald Sealy refused to haul a load of gasoline and diesel fuel across state lines (i.e., from Texas to Louisiana) in violation of DOT standards. On February 28, 2018, ImS sent out a group text **(Exhibit 7)** stating, "In regards to deliveries to Cameron: Art and I have been in touch with the Coast Guard and it is work in progress. I understand some of u have reservations about delivering there (and we respect that)."

**(II) Regarding the ongoing Hostile Work Environment/Harassment claim:**

The claim is: **Whether I was subjected to ongoing hostile work environment/harassment on the bases of my race (Black), age (over 40 y.o.), and**

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**retaliation/reprisal (opposition to a discriminatory practice), because of the following events when:**

- 1) On August 4, 2018, Art Cawthon (AC), Terminal Manager (Caucasian, over 65 y.o., UPE), assigned me to drive the transport truck #318 knowing it was illegal loaded over the 80,000 pound (lbs.) weight standard of the Department of Transportation (DOT). I voiced my opposition to being directed to haul this illegal weighted load to Art, but he threatened me to drive or go home without pay. I decided to cut the load weight to make it be in compliance with DOT. I believe this was done because of my race (Black), age, and as an act of reprisal/relation due to my previously speaking out against other things that showed discrimination in how I am being treated because AC never assigned Ron Gomez, Truck Driver (Caucasian, under 55 y.o., UPE), Donald Sealy, Truck Driver (Caucasian, under 55 y.o., UPE), or Wanda Talcott, Truck Driver (Caucasian, under 45 y.o., UPE) to haul illegally weight loads. This event caused me to fear being punished or loss of my job.
- 2) On August 6, 2018, AC (Caucasian, over 65 y.o., UPE) ordered me to drive the truck #316 with trailer #412 after I notified him that the truck was unsafe to drive due to oil leaking out of the engine oil filter. **(Exhibit 8)** AC refused to allow me to take the truck to the shop and required me to continue to drive it. I believe AC discriminated against me on the bases of my race, age, and as an act of reprisal/relation (opposition to a discriminatory practice) because AC never required Wanda Talcott, Truck Driver (Caucasian, under 45 y.o., UPE) to drive a defective truck #316 and when she refused AC would switch her to truck #318 or another truck. AC would also reassign Ron Gomez, Truck Driver (Caucasian, under 55 y.o., UPE), and Donald Sealy, Truck Driver (Caucasian, under 55 y.o., UPE) to another truck whenever they found a truck was defective to operate. This event caused me to fear loss of opportunity to work and to continue to be in fear due to the ongoing threat of losing my job.
- 3) On August 15, 2018, AC (Caucasian, over 65 y.o., UPE), threaten to send me home without pay if I did not drive truck #315 with trailer #411 that was carrying an illegally load weight of dangerous flammable fuel (i.e., 81,128 lbs., 1128 lbs. over the DOT standard of 80,000 lbs.) **(Exhibit 10)** I voiced my opposition to the over weighted load but he insisted that I haul the load, when he had previously, on July 6, 2018, instructed me that if I am uncomfortable with the weight of any loads that I can adjust as I see fit to make the load weight legal. **(Exhibit 9)** This event caused me to fear loss of opportunity to work and to fear losing my job.
- 4) On August 28, 2018, AC (Caucasian, over 65 y.o., UPE), threaten to send me home without pay and give another driver my load if I refused to

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drive the truck #316 with trailer #411 after I notified him that the check engine light was still on. AC refused to allow me to take the truck to the shop to be repaired and instructed me that unless the light stays on for two days. **(Exhibit 11)** I would not be allowed to go get it repaired. I believe AC discriminated against me on the bases of my race, age, and as an act of reprisal/relation (opposition to a discriminatory practice) because AC did not require Ron Gomarez, Truck Driver (Caucasian, under 55 y.o., UPE), and Donald Sealy, Truck Driver (Caucasian, under 55 y.o., UPE) to drive their truck with a sign of a defective part, but allowed them to take their trucks to the shop without any negative consequences or threats. This event caused me to fear loss of opportunity to work and to fear losing my job.

**5)** In October 2018, Imad Sarkiss (ImS), TCI owner (Appears Middle East-Iranian, under 50 y.o., UPE), and AC (Caucasian, over 65 y.o., UPE), failed to respond after I reported the harassing behavior of co-worker Ron Gomarez, Truck Driver (Caucasian, under 55 y.o., UPE), who threaten me by stating, "...you are a self-righteous, do nothing wrong, 'Son-of-a-Bitch!' I was treated as a valueless employee after reporting such a demeaning and belittling comments can go unpunished. This coworker was allowed to say and do almost anything towards me with indemnity. I felt hopeless and helpless to say anything to anybody because of the chilling effect of ImS, the owner, condoning this discriminatory behavior of my co-worker.

**6)** In 2018, AC (Caucasian, over 65 y.o., UPE), failed to respond after I reported the harassing behavior of co-worker Donald Sealy, Truck Driver (Caucasian, under 55 y.o., UPE), who threaten me by stating, "I'm sorry for having to 'Get In Your Ass' about having to repair the brakes on the truck." I was treated as a valueless employee after reporting such a demeaning and belittling comments can go unpunished. This coworker was allowed to say and do almost anything towards me with indemnity.

**7)** On July 10, 2019, Mitia Gueorguiev (MG), Dispatcher/Assistant Terminal Manager (Appears Middle East-Iranian, under 40 y.o., UPE), denied me to use the office restrooms utilized by the Caucasian drivers (Ron Gomarez (Caucasian, under 55 y.o., UPE), Dustin (unknown last name) (Caucasian, under 45 y.o., UPE). I believe this was an act of discrimination against me on the bases of my race, age, and as an act of reprisal/relation (opposition to a discriminatory practice) because MG did this by padlocking the door and instructed me to use the outside porta-potty. **(Exhibit 12)**

**8)** On July 20, 2019, MG (Appears Middle East-Iranian, under 40 y.o., UPE) ordered me to drive the truck #315 or he would make me go home



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without pay, after I notified him that there was no turn signal. **(Exhibit 13)** He told me not to call back to the office within five days, not to be seen on company grounds, and that he would call me if needed. I believe this was an act of discrimination against me on the bases of my race, age, and as an act of reprisal/relation (opposition to a discriminatory practice) because MG never required other drivers, ((Ron Gomarez (Caucasian, under 55 y.o., UPE), Dustin (unknown last name) (Caucasian, under 45 y.o., UPE)) to be sent home without pay, but would allow them to sit at the company yard on the pay clock and wait for the repairs to the truck are done or reassign them to another truck. This made me feel that I am valued less than other employees. I was made me feel hopeless and helpless to say anything because MG was the decision maker as to who works and who does not.

**9)** From July 20, 2019, thru September 13, 2019, ImS (Appears Middle East-Iranian, under 50 y.o., UPE), AC (Caucasian, over 65 y.o., UPE), and MG (Appears Middle East-Iranian, under 40 y.o., UPE) did not allow me to work consistently, but failed to allow me work for periods of four or five days. I believe this was done as an act of discrimination against me on the bases of my race, age, and as an act of reprisal/relation (opposition to a discriminatory practice) because ImS, AC, and MG never treated other drivers this way. They assigned my work to other drivers (Ron Gomarez (Caucasian, under 55 y.o., UPE), Dustin (unknown last name) (Caucasian, under 45 y.o., UPE) with my truck but required me to be at home without pay. I was intimidated with the fear of the potential of losing my job. I felt helpless and hopeless because there was no one in the company I could complain to about this due to I am being treated in a discriminatory way by the owner and terminal managers of the company.

**10)** On July 24, 2019, ImS (Appears Middle East-Iranian, under 50 y.o., UPE) threatened me with termination when he stated the TCI company has work for other drivers but "the company don't have work for you....I can't be more clearer than what I just said." I believe this was done as an act of discrimination against me on the bases of my race, age, and as an act of reprisal/relation (opposition to a discriminatory practice) because ImS never treated other drivers this way. ImS assigned work to other drivers (Ron Gomarez (Caucasian, under 55 y.o., UPE), Dustin (unknown last name) (Caucasian, under 45 y.o., UPE), Wanda Talcott (Caucasian, under 45 y.o., UPE)) but required me to be at home without pay. I was intimidated with the fear of the potential of losing my job. I was made to suffer the compensatory loss of not being allowed to work when work was available due to ImS' own bias against me. I felt helpless and hopeless because there was no one in the company I could complain to about this due to I am being treated in a discriminatory way by the owner of the company. I was made to feel that I am valued less than other employees

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by the way I was being treated with such aversion and being over looked when job opportunities are being provided to my co-workers.

**11)** On August 20, 2019, AC (Caucasian, over 65 y.o., UPE) and MG (Appears Middle East-Iranian, under 40 y.o., UPE) held a meeting with me and threatened my job when they accused me with failing to do my job due to my practice of adjusting the weight of the loads to make them compliance with the legal weight allowed according to DOT standard of the 80,000 lbs. limit. I believe this was done as an act of discrimination against me on the bases of my race, age, and as an act of reprisal/relation (opposition to a discriminatory practice) in how things are being done because AC and MG is ordering me to do things in violation the DOT load weight standard knowingly.

**12)** On September 13, 2019, I reported the engine light on the truck and ImS (Appears Middle East-Iranian, under 50 y.o., UPE) told me that his patience was wearing thin with me reporting incidents and he told me to go home without pay. I believe this was done as an act of discrimination against me on the bases of my race, age, and as an act of reprisal/relation (opposition to a discriminatory practice) because ImS never treated other drivers this way. ImS never required other drivers (Ron Gomarez (Caucasian, under 55 y.o., UPE), Dustin (unknown last name) (Caucasian, under 45 y.o., UPE), Wanda Talcott (Caucasian, under 45 y.o., UPE)) to be sent home without pay, but would allow them to sit at the company yard on the pay clock and wait until the repairs to the truck are done or reassigned them to another truck. I was intimidated with the fear of the potential of losing my job. I felt helpless and hopeless because there was no one in the company I could complain to about this due to I am being treated in a discriminatory way by the owner of the company.

**13)** On September 21, 2019, AC (Caucasian, over 65 y.o., UPE) ordered me to haul four illegally over weight loads of dangerous flammable fuel (2 loads @ 86,280.2 lbs.; 1 load @ 93,880 lbs., 1 load @ 86,236.6 lbs.) against DOT standard of 80,000 lbs. and threaten to send me home without pay or to terminate me by stating, "I need your assurance that you will comply with this.". I believe this was done as an act of discrimination against me on the bases of my race, age, and as an act of reprisal/relation (opposition to a discriminatory practice) in how things are being done because AC is ordering me to do things in violation the DOT load weight standard knowingly.

**14)** On September 22, 2019, AC (Caucasian, over 65 y.o., UPE) ordered me to haul three illegally over weight loads of dangerous flammable fuel (2 loads @ 84,431.6 lbs.; 1 load @ 87,615.3lbs.) against DOT standard of 80,000 lbs. and threaten to send me home without pay or to terminate me.

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I believe this was done as an act of discrimination against me on the bases of my race, age, and as an act of reprisal/relation (opposition to a discriminatory practice) in how things are being done because AC is ordering me to do things in violation the DOT load weight standard knowingly.

**15)** On October, 12, 2019, ImS (Appears Middle East-Iranian, under 50 y.o., UPE) sent me home without pay after I notified him that the emergency brake system light was on in the truck #315 with trailer #412 and he refused to switch me to another truck. I believe this was done as an act of discrimination against me on the bases of my race, age, and as an act of reprisal/relation (opposition to a discriminatory practice) because ImS never treated other drivers this way. ImS never required other drivers (Ron Gomarez (Caucasian, under 55 y.o., UPE), Dustin (unknown last name) (Caucasian, under 45 y.o., UPE), to be sent home without pay, but would allow them to sit at the company yard on the pay clock and wait until the repairs to the truck are done or reassigned them to another truck. I was intimidated with the fear of the potential of losing my job. I felt helpless and hopeless because there was no one in the company I could complain to about this due to I am being treated in a discriminatory way by ImS, the owner, of the company.

**16)** On October 13, 2019, AC (Caucasian, over 65 y.o., UPE) ordered me to haul two illegally over weight loads of dangerous flammable fuel (1 load @ 80,001.8 lbs.; 1 load @84,318.80 lbs.) against DOT standard of 80,000 lbs., and sent me home without pay after I told him the truck #316 the check engine light was on and I refuse to drive the defective truck.

**(Exhibit 14)** I believe this was done as an act of discrimination against me on the bases of my race, age, and as an act of reprisal/relation (opposition to a discriminatory practice) because AC never treated other drivers this way. AC never required other drivers (Ron Gomarez (Caucasian, under 55 y.o., UPE), Dustin (unknown last name) (Caucasian, under 45 y.o., UPE), to be sent home without pay, but would allow them to take their truck to the shop and wait until the repairs to the truck are done or reassigned them to another truck. AC is ordering me to do things in violation the DOT load weight standard knowingly.

**17)** On October 29, 2019, AC (Caucasian, over 65 y.o., UPE) sent me home without pay after I notified him the truck transmission light was on and I refuse to continue driving the truck to risk burning up the transmission. I believe this was done as an act of discrimination against me on the bases of my race, age, and as an act of reprisal/relation (opposition to a discriminatory practice) because AC never treated other drivers this way. AC never required other drivers (Ron Gomarez (Caucasian, under 55 y.o., UPE), Dustin (unknown last name) (Caucasian,

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under 45 y.o., UPE), to be sent home without pay, but would allow them to take their truck to the shop and wait until the repairs to the truck are done or reassigned them to another truck.

**18)** On November 8, 21 thru 23, and 26 thru 30, 2019, AC (Caucasian, over 65 y.o., UPE) sent me home without pay after I notified him the truck check engine light was on, it needs to go to the shop, and I refused to continue driving the truck with defective equipment. **(Exhibit 15)** I believe this was done as an act of discrimination against me on the bases of my race, age, and as an act of reprisal/relation (opposition to a discriminatory practice) because AC never treated other drivers this way. AC never required other drivers (Ron Gomarez (Caucasian, under 55 y.o., UPE), Dustin (unknown last name) (Caucasian, under 45 y.o., UPE), to be sent home without pay, but would allow them to take their truck to the shop and wait until the repairs to the truck are done or reassigned them to another truck.

**19)** On December 17, 2019, MG (Appears Middle East-Iranian, under 40 y.o., UPE) ordered me to drive truck #315 and pull a defective trailer #412 after I made him aware that the air-bags shocks were leaking air. I believe this was done as an act of discrimination against me on the bases of my race, age, and as an act of reprisal/relation (opposition to a discriminatory practice) because MG never treated other drivers this way. MG did not require Ron Gomarez (Caucasian, under 55 y.o., UPE), and Dustin (unknown last name) (Caucasian, under 45 y.o., UPE), to drive their truck with a sign of a defective part, but allowed them to take their trucks to the shop without any negative consequences or threats.

**20)** On January 28, 2020, ImS (Appears Middle East-Iranian, under 50 y.o., UPE) and AC (Caucasian, over 65 y.o., UPE) told me if I refuse to drive the truck as it is illegally loaded with dangerous flammable fuel that I would be terminated and I refused the load this led to removal (Constructive Discharge). I believe this was done as an act of discrimination against me on the bases of my race, age, and as an act of reprisal/relation (opposition to a discriminatory practice) because ImS and AC did not threaten and terminate another truck driver (Donald Sealy (Caucasian, under 55 y.o., UPE)) when on February 26, 2018, he refused to haul a load of gasoline and diesel fuel across state lines in violation of DOT standards. ImS sent out a group text on February 28, 2018, stating, "In regards to deliveries to Cameron: Art and I have been in touch with the Coast Guard and it is work in progress. I understand some of u have reservations about delivering there (and we respect that)." **(Exhibit 7)**

**(III) Regarding the ongoing Reprisal Per Se to show that TCI managers made comments or engaged in conduct that intimidated or interfered with my EEO**

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**activity by exerting pressure on me to dissuade or deter me from filing an EEO complaint:**

The claim is: **Whether I was subjected to reprisal per se on the bases of race (Black), age (over 40 y.o.), reprisal (opposition to a discriminatory practice), regarding the following events when:**

From November 2017 thru January 28, 2020, I brought various concerns to by managers and supervisors regarding why I was being treated different and not getting the hours and pay as other drivers, and they threatened me that I would be terminated or to be sent home without pay, and not to call the office unless they called me for work. ImS (Appears Middle East-Iranian, under 50 y.o., UPE) told me his patience was wearing thin with me. ImS stated that I am reporting things about my work environment and defective equipment too often to him and that this type of thing is making it difficult for me to do my job. I told ImS that it is my responsibility to report the events but he is to help me stay operating with safety. This created a hostile work environment for me. ImS made intimidating and threatening statements to dissuade me from complaining or filing a complaint or filing an EEO complaint about events when ImS told me that he would send me home without pay. This created a threat and a chilling effect when ImS stated that it may be best to drive like the other drivers (Ron Gomarez (Caucasian, under 55 y.o., UPE), Donald Sealy (Caucasian, under 55 y.o., UPE), Dustin (unknown last name) (Caucasian, under 45 y.o., UPE), Wanda Talcott (Caucasian, under 45 y.o., UPE)), or I could possibly lose my job.

## **SUMMARY of CLAIMS AND EVENTS**

The law prohibits discrimination based on race, age, and reprisal is Title VII of the Civil Rights Act of 1964, as amended, Section 701 et seq., 42 U.S.C. 2000e et seq. (Title VII).

The Commission has held that an agency is strictly liable for the actions of supervisors hostile harassing behavior that repeated culminated in tangible employment actions (i.e., a significant change in employment status as termination, failing to allow equal compensatory opportunities, suspension of work, and other decisions that caused me a significant change in my employment benefits.)

The above claim(s) and events are provided to show how the agency failed to exercise reasonable care to prevent and correct the discrimination behavior towards me.

For the foregoing reasons stated in my description of the discriminatory events above, I humbly ask that you find that I have shown that I was discriminated against based on race, age, and reprisal (opposition to discriminatory practices) with respect to my claims



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of Disparate Treatment (claim 1), hostile work environment harassment (claim 2), and reprisal per se (claim 3).

In regards to my demonstrating that discrimination did occur, I ask that you order the following relief and corrective actions:

- 1) For compensatory damages relief, I ask that the agency be held liable for discrimination and made to pay for the years of pain, suffering, mental anguish, the sleepless nights, emotional distress, and the daily humiliation I had to endure by the reckless endangerment and impunity for the harming of my life due to the continued subjection to the verbal and physical discriminatory work environment created by my former employer. They acted without concern or conscious of my rights as a human being and with impunity of the law. Therefore, I am asking for compensatory damages of \$6,500,000.00. I am further asking for punitive damages of \$500,000.00. All to be paid in a lump sum of \$7,000,000.00.
- 2) For equitable relief: I am asking that the agency be mandated to immediately develop a corrective, curative, and preventative action plan to take the necessary measures to ensure that such violations of EEO law do not recur. I ask that the agency be required to have administered 8 hours of anti-discrimination EEO training from an outside professional agency for each of its employees and management. That agency will develop an annual refresher training to help facilitate and maintain a workplace free from discrimination, hostility, offensive conduct or abuse.

Although it is my desire to receive the above requested relief and corrective actions, I am open to exercising all alternative dispute resolution venues to seek resolution.

Sincerely,



BRUCE GREEN  
Complainant

OVERPAID UNEMPLOYMENT BENEFITS  
26. 2020

22:51 PM [Central Standard Time] in 02-33 on line [9] for: McAllen - ER's - Pg 5/8024 P. 5

138490

ORIGINAL

56634-  
EX-21

# BILL OF LADING

pill, Leak, Fire, Exposure, or Accident Day or Night Call: CHEMTREC 1-800-424-9300 (CCN 15090)

BOL# 0000724481 EPA# 429581214 Folio: 02/002  
TransID: 530 3rd Party Ref: 000000328 Order: 0000000000  
Batch: Contract:  
Load Start: 2020-02-03 16:34 Load Stop: 2020-02-03 16:43

ENTERPRISES  
INC  
INC

CARRIER: TRI-CON INC.  
SCAC: TCOB TRACTOR: TRAILER: 412  
DRIVER: 00015374 CHAMBERLAIN, DUSTIN, H  
COMMENTS:

Information, please refer to the SDS. TX TERMINAL LOCATOR NUMBER T-76-TX-2783

## Product Summary

	Gals	Totals by Grade	Gross	Net
	1100	SH RUL87 RVP>7.8 CONV ETOH 3.5-4.0	6200	6186
	7200	SH TXLED MV #2D (S-15 PPM)	1100	1097
TOTALS(GALS):	8300	SH VPOWER 83 NVOC RFG ETOH 3.5-4.0	1000	997

Gross	Net	Temp	Grav	Bay	Meter	Tank
1000	997	64.0	80.0			
898	895	63.9	61.5	01	0502	1739
102	102	65.7	46.9	01	0503	1734
1100	1097	66.0	35.2	01	0201	1742
3100	3093	63.2	60.5			
2784	2778	62.9	62.0	01	0401	1737
316	315	65.3	46.9	01	0402	1734
3100	3093	63.2	60.5			
2784	2778	62.9	62.0	01	0301	1737
316	315	66.4	46.9	01	0302	1734

EXHIBIT 1



Received 2/4/2020 1:22:51 PM [Central Standard Time] in 02-33 on line [9] for: McAllen - ER's - P#478024 P. 4

3655619  
23 RE NUMBER

**THE CAT SCALE GUARANTEE**  
The CAT Scale Company guarantees that our scales will give an accurate weight. What makes us different from other scale companies is that we back up our guarantee with cash.

**"WEIGH WHAT WE SAY OR WE PAY"**

If you get an overweight fine from the state AFTER one of our CAT Scales showed a legal weight, we will immediately check our scale and we will:

- (1) Reimburse you for the cost of the overweight fine if our scale is wrong, **OR**
- (2) A representative of CAT Scale Company will appear in court WITH the driver as an expert witness if we believe our scale was correct.

WEIGH  
FASTER  
WITH OUR APP  
FIND OUT MORE AT  
WEIGHMYTRUCK.COM

**IF YOU SHOULD GET AN OVERWEIGHT FINE, YOU SHOULD DO THE FOLLOWING TO GET THE PROBLEM RESOLVED:**

- 1) Post bond and request a court date.
- 2) Call CAT Scale Company direct 24 hours a day at 1-877-CAT-SCALE, ext. 7 (Toll Free) or visit [www.catscaleguarantee.com](http://www.catscaleguarantee.com) for instructions.
- 3) **IMMEDIATELY** send a copy of the citation, CAT Scale Ticket, your name, company, address, and phone number to CAT Scale Company Attn: Guarantee Department.

\*The four weights shown below are separate weights. The GROSS WEIGHT is the CERTIFIED WEIGHT and was weighed on a full length platform scale. All weights are guaranteed by CAT Scale.

SCALE COMPANY  
BOX 630  
MOTT, IA 52779  
264-6263  
catscale.com

DATE: 2-03-20  
APPROXIMATE  
TIME: 17:12  
SCALE: 2804  
LOCATION: PETRO  
I 10 EXIT 848  
BEAUMONT TX

STEER AXLE	11660	16
DRIVE AXLE	33980	16
TRAILER AXLE	32980	16
*GROSS WEIGHT	78620	16

This is to certify that the following merchandise was weighed, counted, or measured by a public weigher, and when properly signed shall be prima facie evidence of the accuracy of the weight shown as prescribed by law.

LICENSE#:

LIVESTOCK, PRODUCE, PROPERTY, COMMODITY, OR ARTICLE WEIGHED FREIGHT ALL KINDSCOMPANY TRI CONTRACTOR # 318TRAILER # 412

FEE

\$12.00

WEIGHER SIGNATURE  
AND LICENSE NUMBER

POLLY SMITH

TICKET # OF  
FULL SWEIGH  
(IF REWEIGH)

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GH NUMBER

519

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EXHIBIT 2



## How Much Does A Gallon Of Diesel Weigh?

One gallon of diesel fuel weighs approximately 7.1 pounds (3.22 kg).

The weight can vary slightly, depending on temperatures and grade of diesel fuel.

## Why Is It Important To Know How Much Diesel Weighs?

It may not seem to be important to know the weight of a gallon of diesel. But for a truck driver, it is extremely important.

They must account for the added weight or pay fines for driving an overweight rig. Since most trucks can hold 300 gallons of diesel, that adds an extra 2,100 pounds (952 kg) of weight!

EXHIBIT 3



## What is the Weight of Gasoline?

As stated earlier, there are plenty additives that are added to the final product of gasoline after crude oil has undergone fractional distillation in a refinery. It is also important to note that in different countries different additives are used. For example, detergents are added to gasoline as it is sold at the pump in order to reduce carbon buildup in engines. Other additives include ethanol and dyes used for distinction purposes.

Due to all of the additives, it is not possible to give an exact weight of gasoline or even its density. The refining process is also not perfect. The machines have errors. The exact density cannot therefore be determined, but there is a range which is from 0.71Kg/L to 0.77Kg/L in commonwealth countries and roughly 6.073lb/gallon in the US.

Gasoline with higher densities have a higher content of aromatics, mostly chemical compounds that are derivatives of benzene. Gasoline floats on water which means that water has a higher density than gasoline. If the two compounds are put together in a container, gasoline will float, as the two do not mix and because gasoline is lighter.

EXHIBIT 4



**FILE THE HEAVIEST WEIGHT VIOLATION****BASIC WEIGHT LAWS**

**TIRE WEIGHT RATING**  
= Marked on Side wall of Tire

**SINGLE AXLE**  
= 20,000 lbs.

**TANDEM AXLE**  
= 34,000 lbs.

**MAXIMUM GROSS WEIGHT**  
= 80,000 lbs.

**WHEN DETERMINING LEGAL ALLOWED GROSS WEIGHT FOR ANY OF THE ABOVE LISTED WEIGHT LAWS, ALWAYS USE THE MOST RESTRICTIVE AMOUNT ALLOWED BY LAW.**

**OVER AXLE & OVER GROSS WEIGHT TOLERANCE PERMIT - (TRC 623.011)**

Allows for excess Axle and/or Gross Weights to exceed the Basic Weight Law allowances. Do not confuse this permit with other permits issued by TxDOT that route oversize/weight vehicles on interstate highways as the 15.47 Permit is not valid on the Interstate system. The permit bridge no longer applies and it may be used to operate on local 2-lane roads. May not cross load zone bridges over the legal weight unless the bridge provides the ONLY vehicular access.

Vehicles laden with NON-AGRICULTURAL commodities may have:  
Maximum Allowable Axle Weight + 10% on all Axles, and  
Maximum Allowable Legal Gross Weight + 5%.

Vehicles laden with AGRICULTURAL commodities may have:  
Maximum Allowable Axle Weight + 12% on only one axle or one tandem axle. (TRC 621.508), and  
Maximum Allowable Legal Gross Weight + 5%.

**12% AGRICULTURAL DEFENSE - (TRC 621.508)**

1. Applies to a Single or Tandem axle.
2. Stipulation that only one axle will be allowed the 12%, but any insect bridge or allowed gross weight still apply. The product packed was timber, pulpwood, wood chips, cotton or livestock (live animals) or other agricultural products that are, in their natural state, and being transported to the place of final marketing or first processing. Not valid on the Interstate system.

**READY-MIX CONCRETE or CONCRETE PUMP TRUCKS - (TRC 622.012)**

**SINGLE AXLE ALLOWED**  
= 23,000 lbs.

**TANDEM AXLE ALLOWED**  
= 46,000 lbs.

The single or tandem axle weights may be exceeded by 10% with a TxDOT overweight permit issued under Section 623.0171 as long as the gross weight does not exceed 80,000 lbs.

A Ready-Mix or Concrete pump truck must:

1. Present a copy of the TxDOT overweight permit for the vehicle being operated.
2. Be registered for the actual allowed weight NTE 69,000 lbs.
3. Not valid on the Federal Interstate System, however Federal Interstate Service roads are allowed.
4. May not exceed the Load Rating (FMSR 885.750)

**NOTE:** Ready-Mix concrete is a perishable commodity as is Hot Mix. Use good discretion on how long a vehicle is detained for inspection and/or weighing purposes.

**MISCELLANEOUS WEIGHT LAW EXCEPTIONS**

**SEED COTTON: (TRC 622.553)** Single vehicles used for this purpose may not exceed 64,000 lbs. gross weight, regardless of kind or group of axle weight limits. Not valid on the Interstate system. Be registered for the actual allowed weight.

**CHILE PEPPER MODULES: (TRC 622.553)** Single motor vehicle used for this purpose may not exceed 54,000 lbs. gross weight, regardless of axle or group weight limits. Not valid on the Interstate system. Be registered for the actual allowed weight.

**ANNUAL TIMBER PERMIT: (TRC 624.321)** TxDOT issues annual timber permits for the movement of unlimited timber, wood chips and woody biomass. Vehicles may have up to 44,000 pounds on a tandem axle; the gross weight of the vehicle may not exceed 84,000 pounds. The permit is an annual permit that expires one year from the effective date.

\*Note: Trucks may not exceed Texas legal axle limits.

**LOG TRUCKS: (TRC 622.043)** Log Trucks may be operated with 30,000 pounds gross weight with a maximum outside bridge measurement of 39 ft or more. Must be registered for this weight. Not valid on the Interstate system. Five axles are required and the inner bridge does not apply.

**ENFORCEMENT TOLERANCES**

All weight violations will have a 1,000 pound tolerance. This includes all vehicles operated with or without permits, including the 12% Agricultural exemption.

Example: Single axle Weights 21,000 lbs. = Warning Only  
Single Axle Weights 21,001 lbs. = Citation

**UNLOADING TOLERANCES - (TRC 621.403)**

If the gross or axle weight of a motor vehicle which is weighed and is heavier than the maximum weight authorized and a tolerance amount equal to the percent of that maximum weight, the weight enforcement or enforcement shall require the operator or driver of the vehicle to unload any weight in excess of the legal weight plus the percent.

**UNLOADING EXCEPTIONS - (TRC 621.403)**

1. Timber, pulp wood, or agricultural products in their natural state being first processing, or
  2. A vehicle crossing a highway where either owns the land on both sides of the roadway, or
  3. Vehicle loaded with livestock (any live animals)
- DPS POLICY:** If no apparent damage to the highway is occurring and the load is within five (5) miles from the point of origin or destination, the vehicle will be allowed to proceed without unloading.

**AXLE & VEHICLE DIAGRAMING METHODS**

Weight enforcement measurements are taken from the center of an axle to the center of the next axle. This distance is marked on the back of the scale by the wheel diagram. Any measurements of axle weights or more will be carried to the next highest foot. Example: 216 inches or more will be carried to the next highest foot. Example: 216 inches or more will be carried to the next highest foot.

Example of how to diagram and record measurements:



Example of how to diagram and record measurements:

**SINGLE VEHICLES TRANSPORTING SOLID WASTE (TRC 623.102 & 623.103)****RECYCLABLE MATERIAL WITH ROLL-OFF CONTAINERS (TRC 623.103 & 623.104)**

Single Motor Vehicle  
= 21,000 lbs.  
Tandem Motor Vehicle  
= 34,000 lbs.  
Gross Weight  
= 64,000 lbs.

Solid Waste and Recyclable material vehicles must:

1. Must be a single vehicle and not a combination
2. Present a copy of the Safety Bond for the vehicle being operated
3. Not valid on the Interstate system.
4. Be registered for the actual allowed weight NTE 64,000 lbs.

**OVER WEIGHT VEHICLE STOPPED**

**TO DETERMINE ALLOWED GROSS WEIGHT**

**ALL PUBLIC HIGHWAYS AND PORTS-OF-ENTRY HAS 15.47 PERMIT**

USE INNET DE-DUE PLUS TIRE RATING OR STEERING AXLE ORS

USE OUTER BRIDGE - 55% TO DETERMINE MAXIMUM ALLOWED GROSS WEIGHT

USE OVERALL OUTER BRIDGE - THEN WHICHEVER ALDUNT IS MOST RESTRICTIVE. USE THAT NUMBER TO DETERMINE MAXIMUM ALLOWED GROSS WEIGHT

MAY TRAVEL ON LOAD ZONE ROADS CAN NOT TRAVEL ACROSS LOAD ZONE BRIDGES UNLESS IT IS THE ONLY VEHICULAR PUBLIC ACCESS

**ALONG AND LIFTING - LOADING OF VEHICLES (TRC 621.400)**

A person may not load or unload a vehicle to a condition that is unsafe for the vehicle or its cargo. The weight of the vehicle and its cargo must not exceed the weight limit of the vehicle. The weight of the vehicle and its cargo must not exceed the weight limit of the vehicle. The weight of the vehicle and its cargo must not exceed the weight limit of the vehicle.

Exhibit 5



## PERMISSIBLE WEIGHT TABLE

CVE-43 (Rev. 12/15)

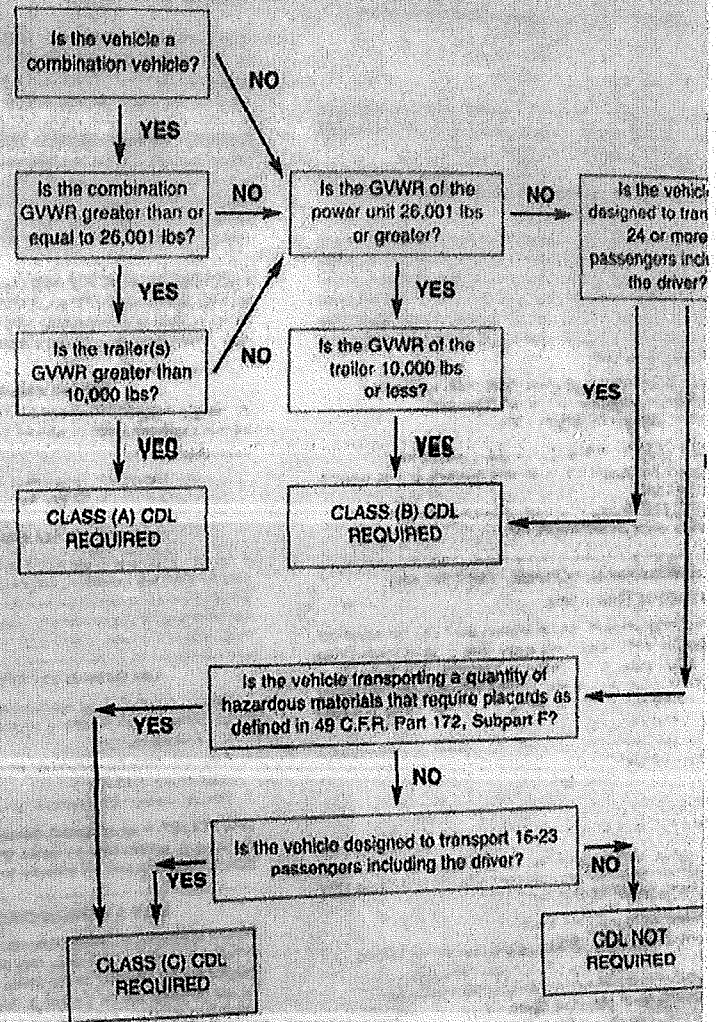
$$500 \left( \left( \frac{LN}{N-1} \right) + 12N + 36 \right) \quad W = \text{Weight} \quad L = \text{Length} \quad N = \# \text{ of Axles}$$

STANCE N FEET	AXLES 2	AXLES 3	AXLES 4	AXLES 5	AXLES 6	AXLES 7
7	34,000					
8	34,000	24,000				
8+	38,000	42,000				
9	39,000	42,500				
10	40,000	43,500				
11		44,500				
12		45,000	50,000			
13		45,500	50,500			
14		46,500	51,500			
15		47,500	52,000			
16		48,000	52,500	58,000		
17		48,500	53,500	59,500		
18		49,900	54,000	59,000		
19		51,400	54,500	60,000		
20		52,000	55,500	60,500	66,000	
21		54,000	56,000	61,000	68,500	
22		54,000	56,500	61,500	67,000	
23		54,000	57,500	62,500	68,000	
24		54,000	58,700	63,000	69,500	74,000
25		54,500	59,650	63,500	69,000	74,500
26		55,500	60,600	64,000	68,500	75,000
27		56,000	61,550	65,000	70,000	75,500
28		57,000	62,500	65,500	71,000	76,500
29		57,500	63,450	66,000	71,500	77,000
30		58,500	64,000	66,500	72,000	77,500
31		59,000	65,350	67,500	72,500	78,000
32		60,000	66,300	68,500	73,000	78,500
33			67,250	68,500	74,000	80,000
34			68,200	69,000	74,500	
35			69,150	70,000	75,000	
36			70,100	70,500	75,500	
37			71,050	71,050	76,000	
38			72,000	72,000	77,000	
39			72,000	72,500	77,500	
40			72,000	73,000	78,000	
41			72,000	73,500	78,500	
42			72,000	74,000	78,000	
43			72,000	75,000		
44			72,000	76,000		
45			72,500	76,500		
46			73,500	77,500		
47			74,000	78,000		
48			74,500	78,500		
49			75,500	79,000		
50			76,000	80,000		
51			76,500			
52			77,500			
53			78,000			
54			78,500			
55			79,500			
56			80,000			
57						

These figures have been carried forward from Article 6701d-11, Section 5, Subsection (4), when it was amended on December 16, 1974, by Senate Bill 89 of the 64th Legislature, which provided that axle configurations and weights that could be lawfully operated as of that date would continue to be legal under the increased weight limits.

These figures apply only to an axle spacing greater than 8' but less than 9'.

Note: The permissible loads are computed to the nearest 500 pounds - Sec. 127 USC, Title 23 and TRC 21.101.)

TRC Sec. 522.041  
COMMERCIAL DRIVER'S LICENSE

Persons exempt from CDL requirements:

1. Farmer or rancher in a covered farm vehicle
2. Firefighter/emergency vehicle necessary for the preservation of life or property
3. Military Vehicle operated by military personnel
4. Recreational vehicle
5. Person operating a vehicle owned, leased or controlled by an air carrier on the premises of an airport
6. CMV on private property
7. Operating off road construction equipment
8. Vehicle used exclusively to transport seed cotton modules or cotton bolls

EXHIBIT 6





## Group MMS

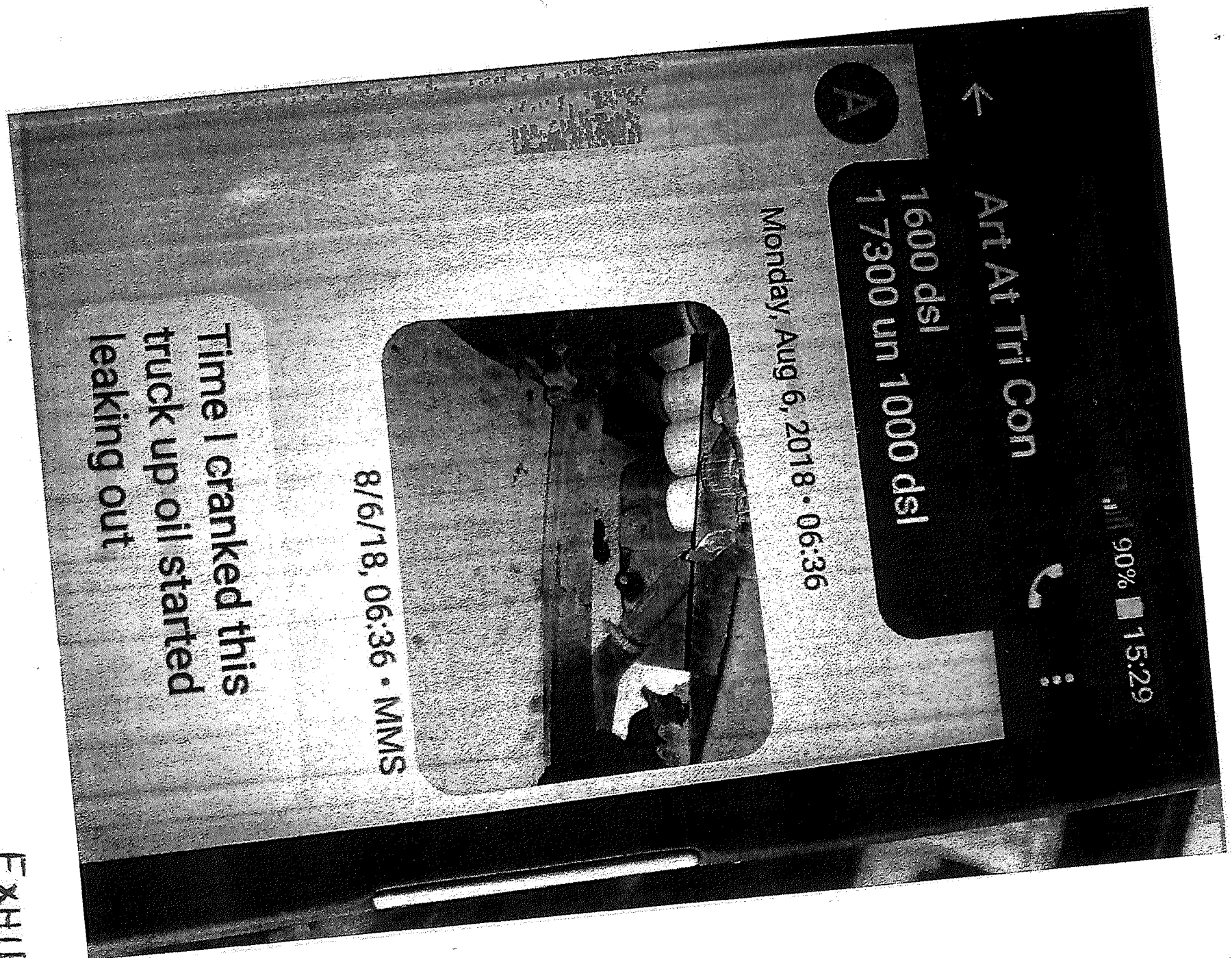
Everyone can reply and see each other's  
messages • 2/28/18, 19:25

Good evening team!  
In regards of the  
deliveries to Cameron:  
Art and I have been  
in touch with the  
Coast Guard and it  
is work in progress. I  
understand some of  
u have reservations  
about delivering there  
(and we respect that)

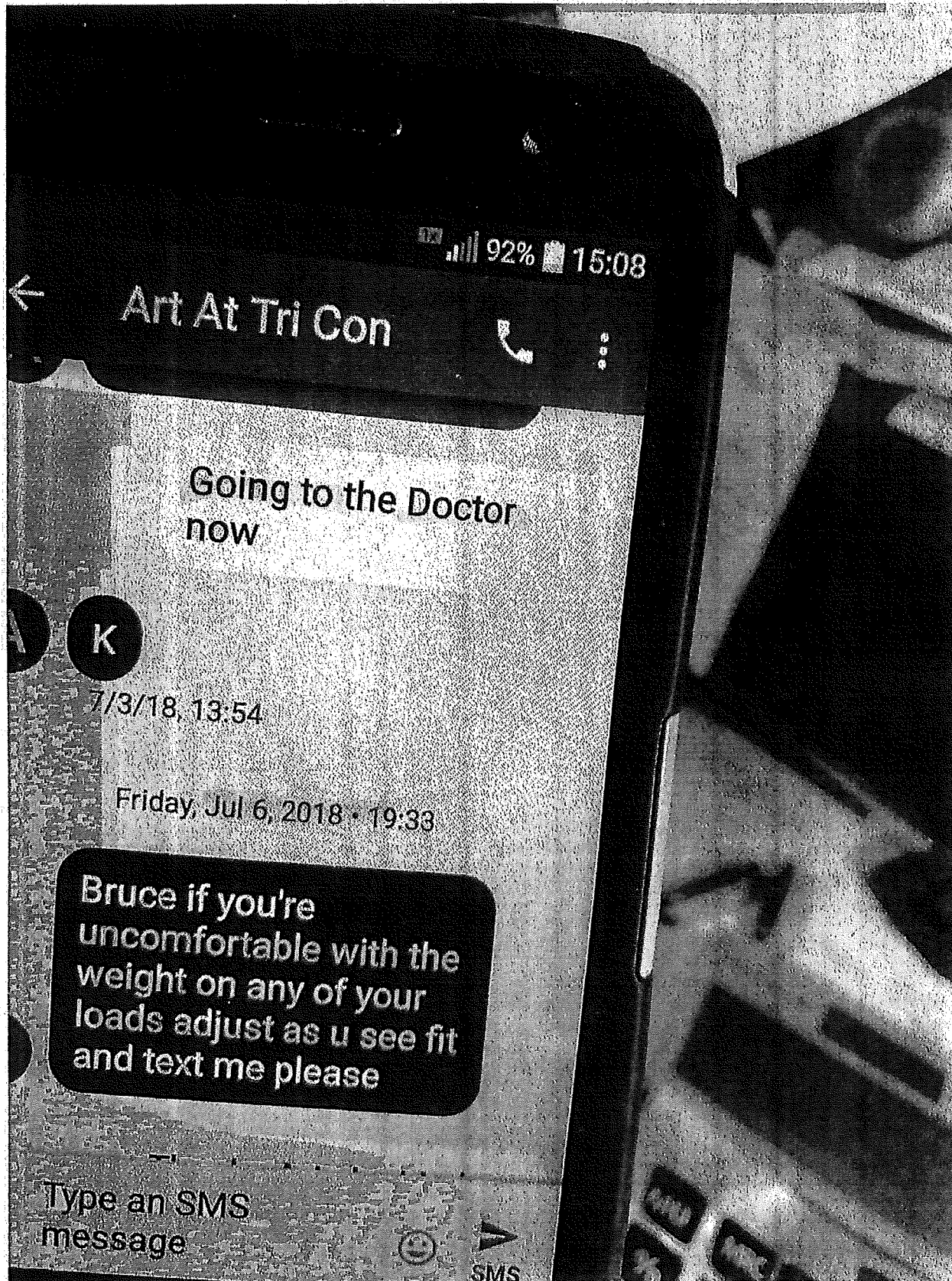
Type an MMS

EXHIBIT 7

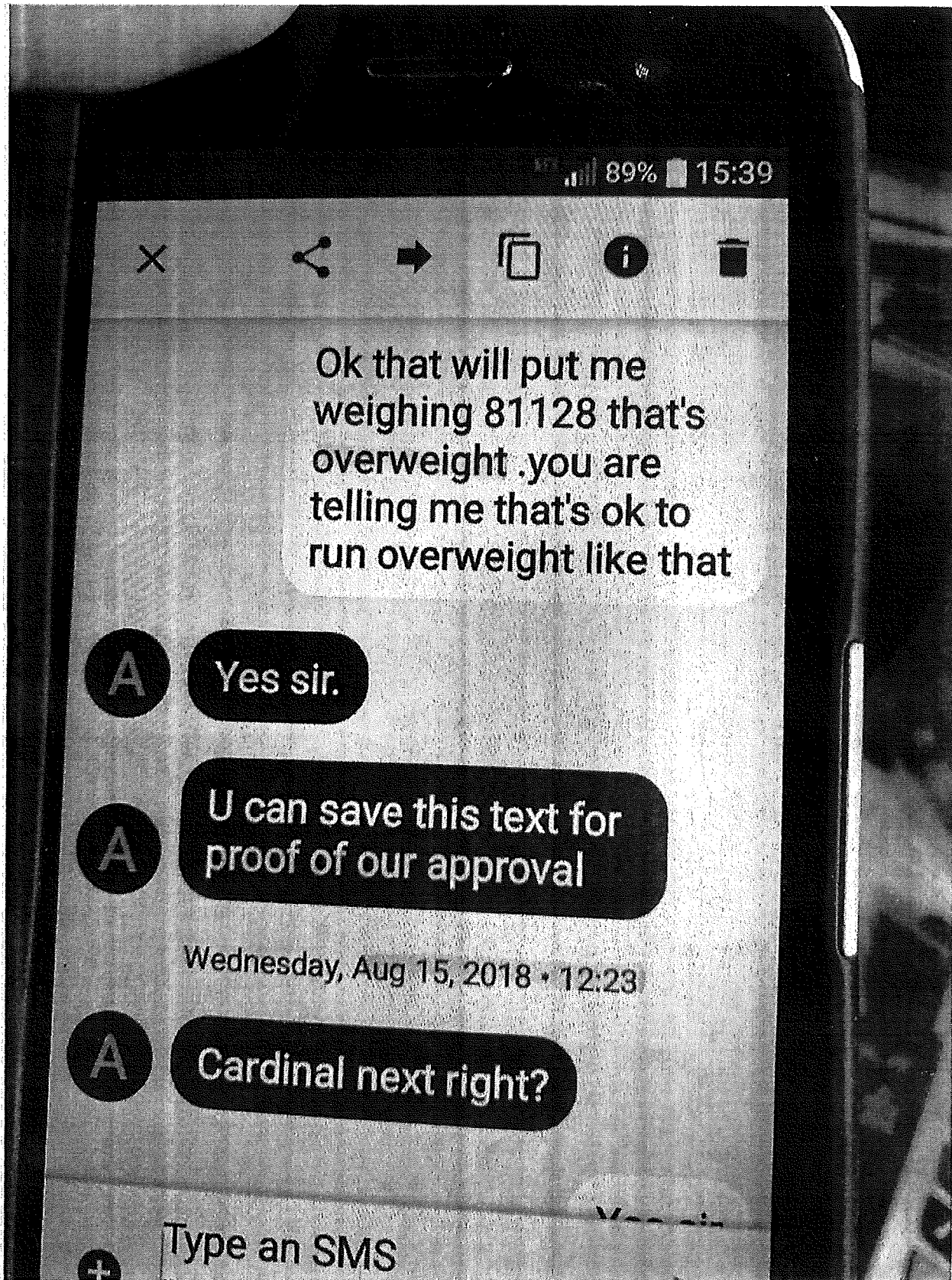














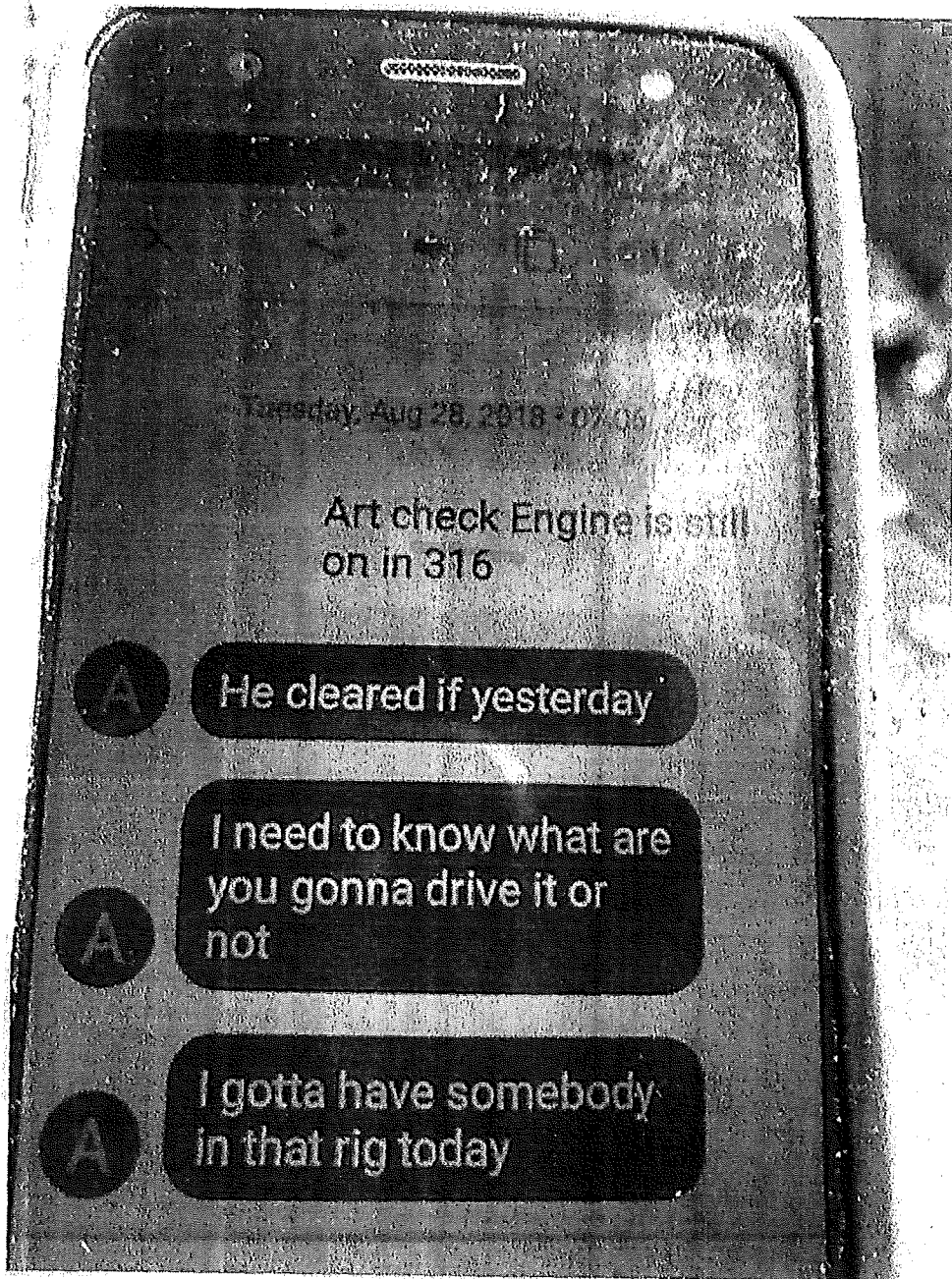
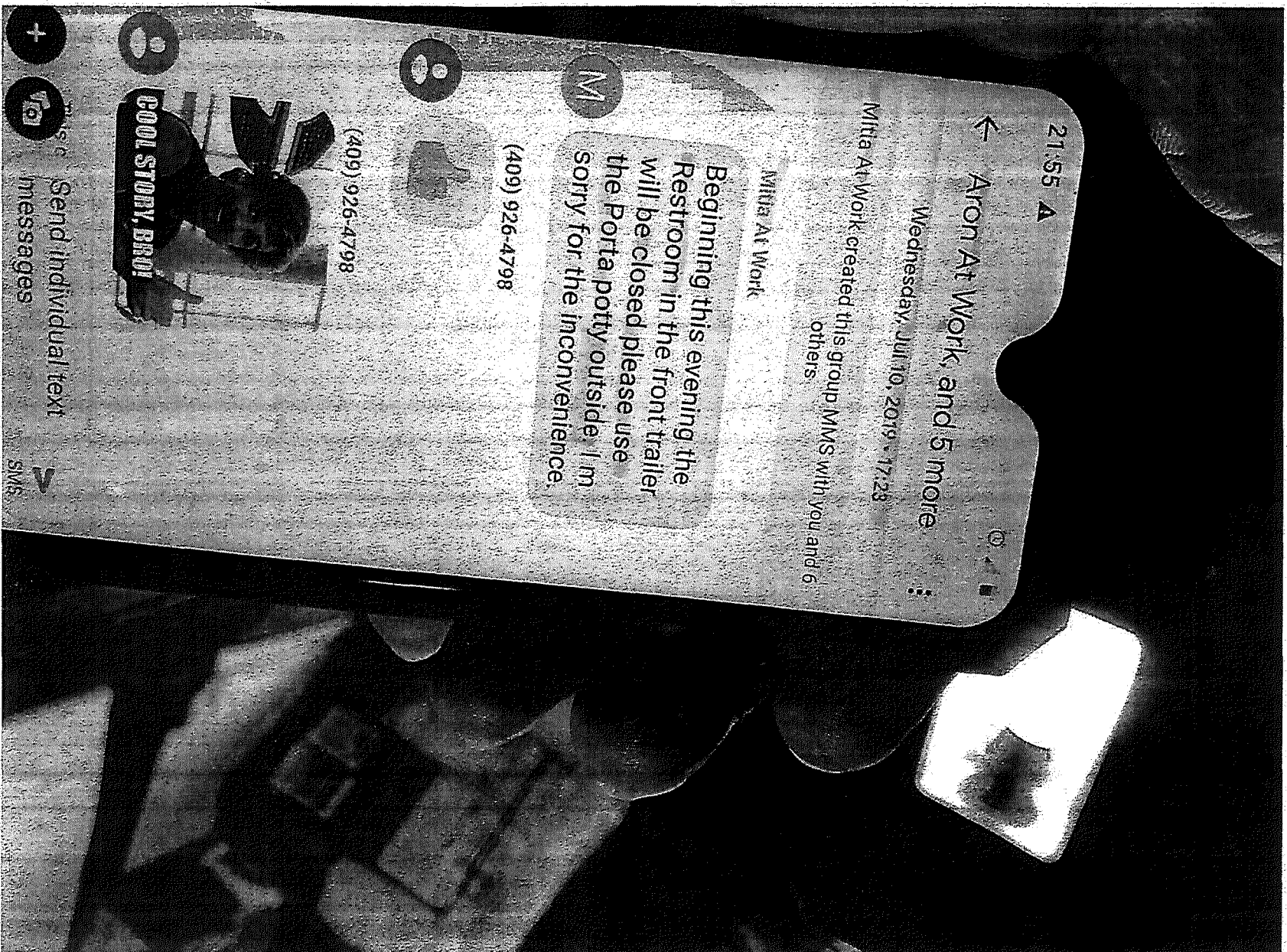
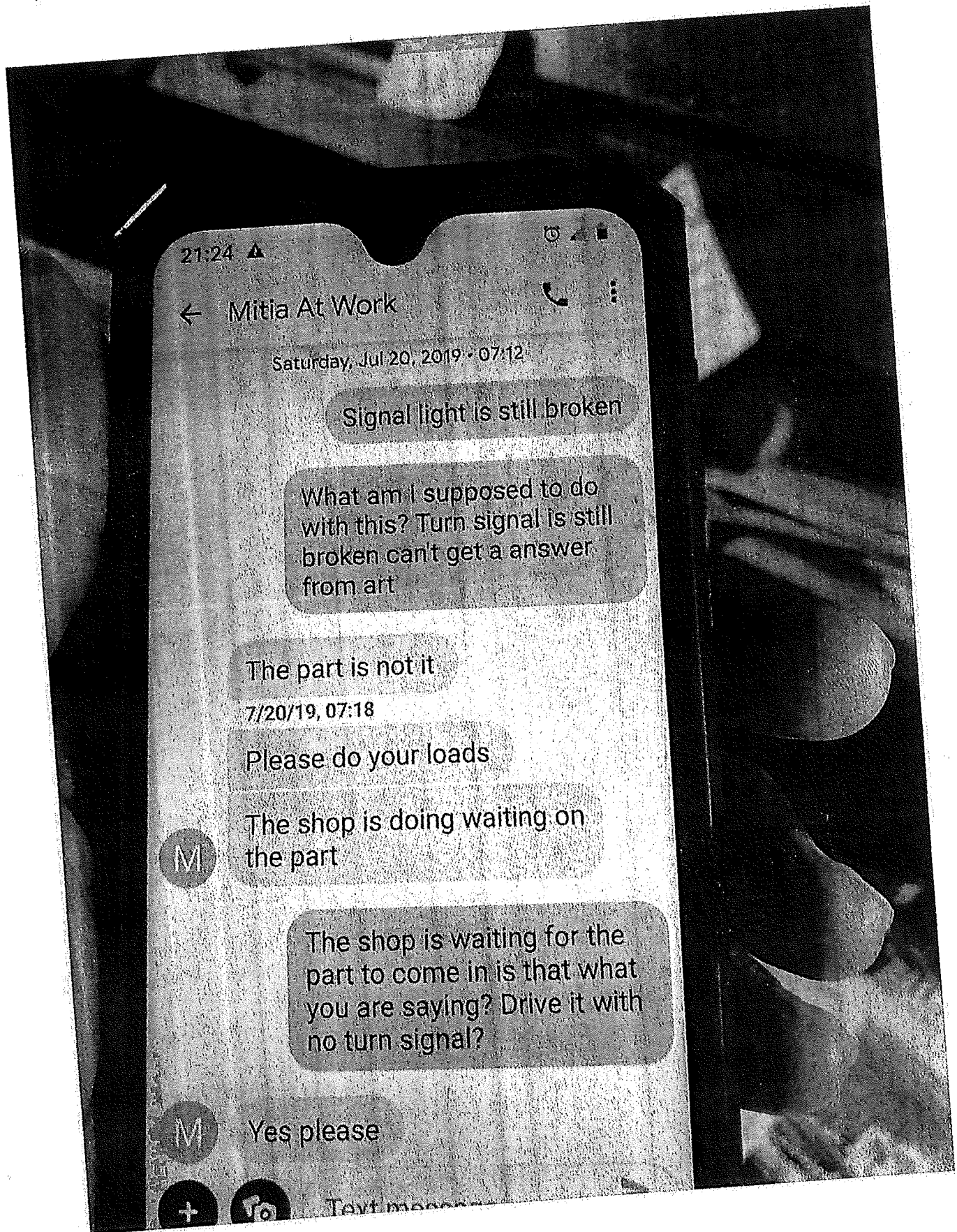


EXHIBIT 11

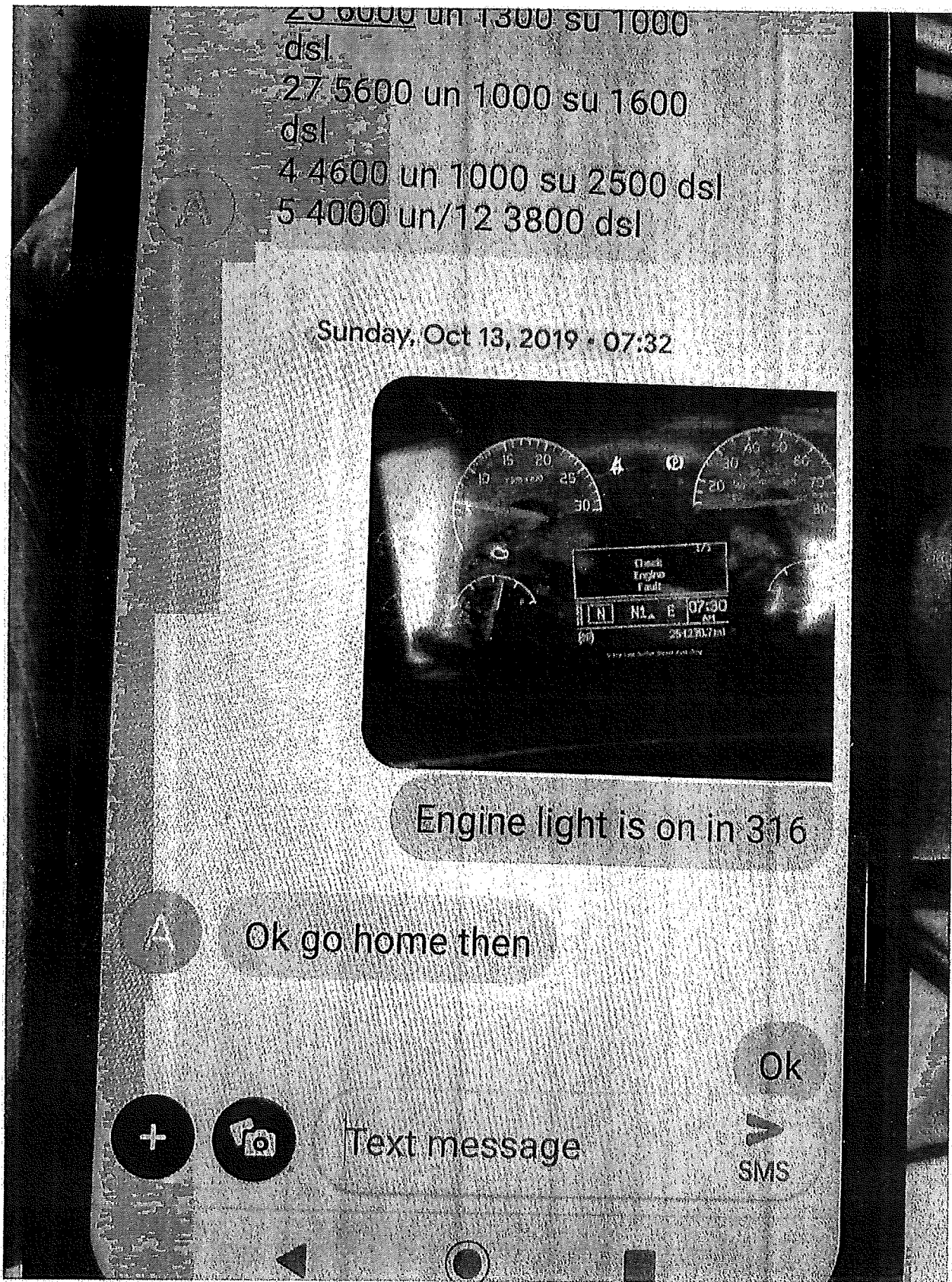




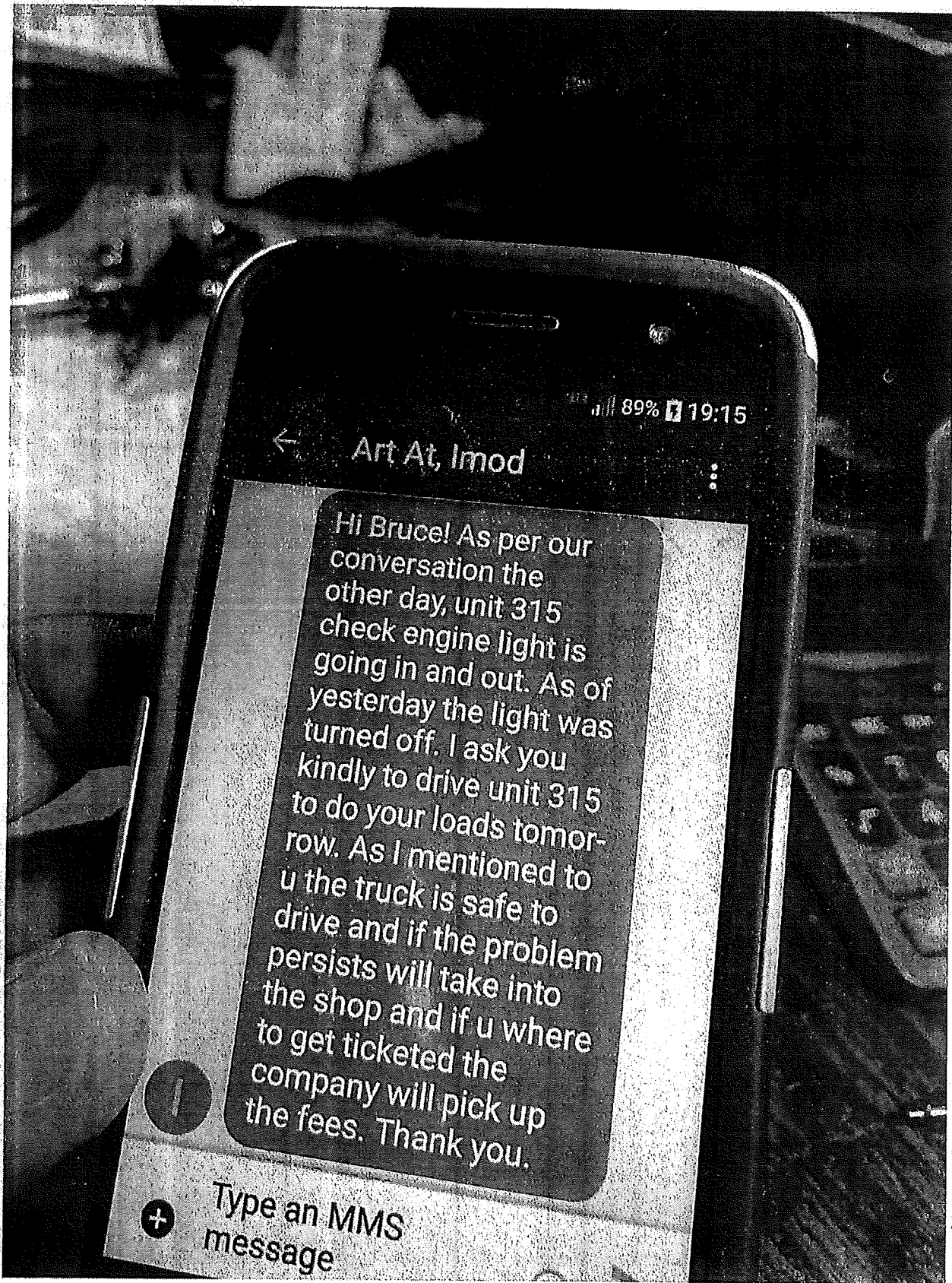












"Equal value for every Life  
is the pursuit of the Law."



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Houston District Office**

Mickey Island Building  
1919 Smith Street, 7<sup>th</sup> Floor  
Houston, TX 77001  
Intake Information Group: (800) 990-4929  
Intake Information Group TTY: (800) 629-6929  
Intake Direct Dial: (713) 327-7709  
FAX: (713) 651-4502  
Website: [www.eeoc.gov](http://www.eeoc.gov)

RE: EEOC Charge No.: 460-2021-00917  
Charging Party: Bruce Green  
Respondent: TRI-CON, INC. DBA EXPRESS MART PERSONNEL

Mr. Green,

As requested, enclosed you will find a copy of your notice of right to sue.

Sincerely,

**Gabriel Cervantes**

Digitally signed by Gabriel Cervantes  
Date: 2021.06.25 10:16:27 -05'00'

Gabriel Cervantes, Intake Supervisor  
Name/Title

Date Mailed

Enclosure: Dismissal and Notice of Rights to Sue

**BRUCE GREEN**  
**9453 LAWHON ROAD.**  
**BEAUMONT, TX 77713**

**EXHIBIT 16a**

"Equal value for every Life  
is the pursuit of the Law."

U. S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

HOUSTON DISTRICT OFFICE

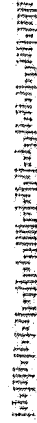
Mickey Leland Federal Building

1919 Smith Street, 7th Floor

Houston, TX 77002-8049

OFFICIAL BUSINESS

Penalty for Private Use \$300



7771383081 8005

EXHIBIT 16b